



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2496

DATE SCANNED 3/28/12

SCANNER NO. 2

SCAN OPERATOR ΣΣΣ

12092680429



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
COMMISSION
SECRETARIAT

2011 SEP 28 A 11: 54

September 28, 2011

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: *[Signature]* Alec Palmer
Staff Director

FROM: Patricia Carmona *[Signature]* for AC
Chief Compliance Officer

Debbie Chacona *[Signature]*
Assistant Staff Director
Reports Analysis Division

BY: *[Signature]* Jodi Winship/Sari Pickeral/Ian Wandner
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 Mid-Year Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 Mid-Year Report in accordance with 2 U.S.C. 434(a). The Mid-Year Report was due on July 31, 2011.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report

2011 MID-YEAR REPORT Not Election Sensitive 07/31/2011 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2496	C00490433	OUR FUTURE OHIO PAC		ANNE L. MEYERS	\$3,197,070	0		Not Filed	\$3,197,070 (est)	\$12,000
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 2011)
Mid Year Report for the Administrative)
Fine Program:)

OUR FUTURE OHIO PAC, and ANNE L) AF# 2496
MEYERS as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on September 29, 2011 the Commission took the
following actions on the Reason To Believe Recommendation 2011 Mid Year Report
for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated September 28, 2011, on the following committees:

AF#2496 Decided by a vote of 6-0 to: (1) find reason to believe that OUR FUTURE
OHIO PAC, and ANNE L MEYERS as treasurer violated 2 U.S.C. 434(a) and make a
preliminary determination that the civil money penalty would be the amount indicated on

Federal Election Commission
Certification for Administrative Fines
September 29, 2011

Page 2

the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 30, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680433



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 2011

Anne L. Meyers, in official capacity as Treasurer
Our Future Ohio PAC
28601 Chagrin Blvd., Ste. 500
Cleveland, OH 44122

C00490433
AF#: 2496

Dear Ms. Meyers:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period through June 30th, shall be filed no later than July 31st. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 29, 2011, the FEC found that there is reason to believe ("RTB") that Our Future Ohio PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31st. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$12,000. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$12,000 is due within forty (40) days of the finding, or by November 8, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$3,197,070
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 8, 2011. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Our Future Ohio PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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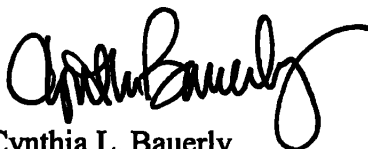
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$12,000 for the 2011 Mid-Year Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by November 8, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Our Future Ohio PAC

FEC ID#: C00490433

AF#: 2496

PAYMENT DUE DATE: November 8, 2011

PAYMENT AMOUNT DUE: \$12,000

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 NOV 16 A 10:24

November 15, 2011

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2011 Mid-Year Report

Attached is the name of a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2011 Mid-Year Report. The committee has not paid the civil money penalty. This committee has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Our Future Ohio PAC (AF 2496) filed the 2011 Mid-Year Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$98,278 (previously calculated to be \$3,197,070), thus the fine would be lowered from \$12,000 to \$3,850.

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RAD Recommendation

- (1) Make final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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Federal Election Commission

FD Circulation Report Fine Not Paid

2011 MID-YEAR REPORT Not Election Sensitive 07/31/2011 UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2496	OUR FUTURE OHIO PAC		C00490433	ANNE L. MEYERS	10/03/2011	Not Filed	\$98,278	0	09/29/2011	\$12,000	47	\$3,850

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program – Final) AF 2496
Determination Recommendation for the)
2011 Mid-Year Report)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 17, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2496:

1. Make a final determination that Our Future Ohio PAC and Anne L. Meyers, treasurer violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$3,850.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 18, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680441



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 2011

Anne L. Meyers, in official capacity as Treasurer
Our Future Ohio PAC
315 East Stonebrooke Court
Chagrin Falls, OH 44022

C00490433
AF#: 2496

Dear Ms. Meyers:

On September 29, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Our Future Ohio PAC and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2011 Mid-Year Report Report. By letter dated September 30, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$12,000 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. The amount of the civil money penalty has been changed to reflect the actual level of activity of the 2011 Mid-Year Report Report.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on November 17, 2011 that you, in your official capacity as treasurer, and Our Future Ohio PAC violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$3,850 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$98,278

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within thirty (30) days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

12092680443

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$3,850 for the 2011 Mid-Year Report Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Our Future Ohio PAC

FEC ID#: C00490433

AF#: 2496

PAYMENT AMOUNT DUE: \$3,850

12092680444

FOR: Our Future Ohio PAC

FEC ID#: C00490433

AF#: 2496

PAYMENT AMOUNT DUE: \$3,850

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000385000 BA# 1 12-20-11 20 3



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us bancorp.
The First Bank of Cleveland

OUR FUTURE OHIO 10-10		1009
28601 CHAGRIN BLVD STE 600		6-1024710
CLEVELAND, OH 44122-4558		403
Date <u>12/14/11</u>		
Pay to the Order of	<u>Federal Election Commission</u>	\$ <u>3,850.00</u>
<u>three thousand eight hundred & fifty 00/100</u>		
Key Private Bank C.O.	KeyBank National Association Cleveland, Ohio 44114 1-877-634-2938	
For <u>OFO PAC</u>	<u>Andre Meyers</u>	



FEDERAL ELECTION COMMISSION
Washington DC 20463

12092680446

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2496

DATE SCANNED

3/28/12

SCANNER NO.

2

SCAN OPERATOR

EEJ